

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

CHRISTOPHER M. MAGEE,

Petitioner,

v.

Case No. 1:21cv123

WARDEN, CHILLICOTHE  
CORRECTIONAL INSTITUTE,

Judge Michael R. Barrett

Respondent.

**JUDGMENT IN A CIVIL CASE**

☐ **JURY VERDICT:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **DECISION BY COURT:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED:**

1. The petition is **STAYED** and **TERMINATED** on this Court's active docket pending petitioner's exhaustion of his Ohio remedies through a delayed Rule 26(B) application in the state appellate court. The stay is conditioned on petitioner's filing a motion to reinstate the case on this Court's active docket within thirty (30) days after fully exhausting his state court remedies through the requisite levels of state 2 appellate review. Petitioner is granted leave to reinstate the case on this Court's active docket when he has exhausted his Ohio remedies based on a showing that he has complied with the conditions of the stay.

2. A certificate of appealability will not issue under the standard set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), which is applicable to this case involving a recommended stay of the petition so that petitioner can exhaust available state court remedies.

3. This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in "good faith," and therefore **DENY** petitioner leave to appeal in forma pauperis.

Date: October 21, 2021

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Richard W. Nagel, Clerk  
Clerk  
By: S/Krista Zeller  
Deputy Clerk